

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

THOMAS SIERRA,)	
)	Case No. 18 CV 3029
Plaintiff,)	
)	Judge John Z. Lee
v.)	
)	Magistrate Judge M. David Weisman
REYNALDO GUEVARA, et al.)	
)	
Defendants.)	
)	JURY TRIAL DEMANDED

JOINT STATUS REPORT

Pursuant to this Court's June 8, 2023, Minute Entry, Dkt. 432, the Parties submit the following Joint Status Report:

- 1) Plaintiff produced two expert rebuttal reports, one from Dr. Nancy Steblay and a second from Miroslava Meza.
- 2) It is Defendants' position that these reports are not true rebuttal, but rather an attempt to fix errors and provide opinions that could have been raised in the original reports.
- 3) Specifically, Ms. Meza's report purports to be in response to Dr. Gideon's reaction report. Dr. Gideon was hired by the City to respond to Mr. Anthony Finnell's *Monell* opinions pertaining to discipline of Chicago Police Officers, specifically that Mr. Finnell's methodology was flawed. Ms. Meza contributed to those underlying opinions and was the main source of all the data analysis contained within the underlying report but was not disclosed as an expert with Plaintiff's original disclosures. Her purported rebuttal report simply provides the same basis and justification for the methodology used in the original report and fills in the gaps that Finnell could not explain at his deposition, despite being the sole disclosed expert on the topics addressed.

4) As for Dr. Steblay, she has been disclosed to purportedly rebut Dr. Wixted's opinion which served as rebuttal to her opinions regarding the City's identification procedures. In her rebuttal opinion, and simply by way of example, Dr. Steblay regurgitates the analysis she conducted in her original report and, in many instances, simply provides additional information or explanation about her original analysis in order to dispute Defendants' expert, Dr. Wixted's criticisms.

5) In any event, based upon the content of these "rebuttal" reports, Defendants require each expert's deposition.

6) The Parties are discussing scheduling these depositions. The parties are in agreement that any depositions can be completed within the next 30 days.

7) Plaintiff and Defendants intend to move for summary judgment. Plaintiff intends to file a motion with the district court to set a briefing schedule for summary judgment. Plaintiff's position is that there is no need to delay summary judgment briefing until depositions of rebuttal experts are complete, since they will not remove disputes of material fact on any issues, and in any event rebuttal expert depositions will be completed by Plaintiff's proposed motion deadline of August 11, 2023. It is Defendants' position that the above depositions must be completed before a summary judgment schedule can be set and disagree that the depositions will not remove disputes of material fact since Plaintiff's *Monell* claims are entirely dependent on his experts. Regardless, August 11, 2023, is not acceptable to Defendants, and is simply a date chosen by Plaintiff. Defendants will need additional time to file summary judgment in a case that has been litigated for many years particularly since Defendants anticipate that their summary judgment motion will be case dispositive and there will be multiple *Daubert* motions to be resolved before summary judgment can be decided.

DATED: July 7, 2023

Respectfully Submitted,

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